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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,636	02/11/2002	Ben Avison	BAIS25-470/01651	4543
24118 7590 07/30/2009 HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119				
EXAMINER				
SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
2424				
MAIL DATE		DELIVERY MODE		
07/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/073,636

Applicant(s)

AVISON, BEN

Examiner

ANNAN Q. SHANG

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/07/09 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Zdepski et al (6,45,738)** in view of **Van Den Enden (5,799,128)**.

As to claim 1, note the **Zdepski** reference figures 1-2, discloses system and method for creating trick play video streams from a compressed normal play video bitstream and further discloses a method for generating and processing data for the display of a stream of video data on a display screen connected to data processing apparatus, the method comprising the steps of:

Processing a motion picture expert group compliant data stream of video data selected to be view by a user in a first format (normal play) via the apparatus 60, the largest frames of the video data known as I frames, pre-filling a buffer memory in the apparatus with a first threshold level of video data prior to decoding the video data (col.6, line 34-col.7, line 3 and lines 20-29);

Generating an altered format for the video data, where the altered format is a fast cue or fast forward review video display (col.7, lines 30-54 and col.8, line 14-col.9, line 13);

A user selecting with selection means (fig.1) to select to view the video data in the altered format (trick play, fast forward or rewind); and following the user selection of the alternated format changing the required level of video data to be held in a buffer memory (Memory Stack) for the altered format to a second threshold level; and where the second threshold level substantially accommodates no more video data than that corresponding to a single I frame, plus a small tolerance percentage value and displaying of the first frame of data for fast forward or fast cue display (figs.4-6, col.8, line 33-col.9, line 13, col.10, line 14-col.11, line 45, line 48-col.12, line 1+), **note that the system uses a marker to set the level(s) (first level to store the I-frame and new level for trick-mode) the memory stack and furthermore adjust to conform to new parameters prior to preparing the trick play streams.**

Zdepski is silent as to setting the required buffer size at a level, value or threshold so as to substantially accommodate data required to generate a single I frame.

However, **Van** discloses figures 6-21, storage and retrieval of data reduced digital video signal in/from a memory which checks buffer level to retrieve data required to generate I-frame(s) (col.8, line 66-col.9, line 43, line 66-col.10, line 15, col.17, line 58-col.18, line 1+, col.19, line 39-col.20, line 1+ and col.21, line 24-col.22, line 1+).

Hence it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Van into the system of Zdepski to set the buffer to accommodate data required to generate I frame(s) in order to efficiently process and generate only the primary or initial I-frame(s) required to display a video or image

As to claim 2, Zdepski further discloses where the determined buffer memory size is used in identify a value of the separation of the encoded frames in the video data bitstream and this value is used as a substitute for various header field values of the MPEG data stream which may be unavailable (col.10, line 14-col.11, line 45, line 48-col.12, line 1+).

As to claim 5, Zdepski further discloses wherein the required buffer memory data level is set at a value to minimize delay in the transition between the generation of video from the normal and altered video formats (col.7, lines 13-41, col.8, lines 1-62 and col.9, line 15-col.10, line 1+).

As to claim 6, Zdepski discloses where the level of the buffer memory data estimated by reference to time stamp data transmitted as part of the video data (col.7, lines 13-41 and col.10, line 14-58).

As to claim 7, Zdepski further discloses wherein the time stamp data is carried as part of the systems layer and allows data in the other levels to be time synchronized by referring to and retrieving a common reference time from said time stamp data (col.7, lines 13-41 and col.10, line 14-58).

As to claim 8, Zdepski discloses the use of the time stamp data to estimate the size of the I-frame data and hence the required video buffer memory data level (col.7, lines 13-41 and col.10, line 14-58).

As to claim 9, Zdepski discloses where the video data, having been transmitted from a location remote to the apparatus is received by the apparatus (col.6, lines 33-45 and col.7, lines 13-29).

As to claim 10, Zdepski further discloses where the apparatus is a broadcast data receiver connected to receive data from a broadcaster (col.6, lines 33-45 and col.7, lines 13-29).

As to claim 11, the claimed "A method of generating a video display in a first standard motion picture expert group format and a second user selectable fast forward or fast cue format, the method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 12 is met as previously discussed with respect to claim 6.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2 and 5-12 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection to the last office action, Applicant amends claims and further argues that the prior arts of record do not teach the amended claims limitations (see page 5+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant amendments/arguments, however Zdepski discloses that the system uses a marker to set the level(s) (first level to store the I-frame and new level for trick-mode) of the memory stack and furthermore adjust to conform to new parameters prior to preparing the trick play streams (figs.3-6 and col.11, line 34-col.12, line 64). Hence the amended claims do not overcome the prior arts of record as discussed above. The amendment to the claims necessitated the new ground(s) of rejection discussed above. **This office action is non-final.**

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Examiner, Art Unit 2424

Annan Q. Shang